

APPENDIX

Signed by Governor

(April 4, 1985)

H.B. 316 (Effective immediately)

(April 5, 1985)

S.B. 71 (Effective immediately)**S.B. 126** (Effective January 1, 1986)**S.B. 131** (Effective September 1, 1985)**S.B. 325** (Effective September 1, 1985)**S.B. 397** (Effective immediately)**FIFTIETH DAY**

(Wednesday, April 10, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, we thank Thee for the blessings which Thou has given us. Help us to realize our responsibilities to make decisions that affect all of our people. Give us Your guidance and Your wisdom as we make those decisions. In Christ's name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of illness on motion of Senator Sharp.

Senator Williams was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Farabee.

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.J.R. 30**S.J.R. 35**

S.J.R. 32
S.J.R. 27
S.B. 1329
S.B. 1265
S.B. 1275
S.B. 1327
C.S.S.B. 1081

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 834
S.B. 871
S.B. 1052
S.B. 524
S.B. 516
C.S.S.B. 384

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 224

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 1231
S.B. 553
S.B. 797 (Amended)
S.B. 36
H.C.R. 12
C.S.S.B. 247
C.S.S.B. 1211
C.S.S.B. 1160

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 707
C.S.S.B. 1239

Senator Parker submitted the following report for the Committee on Education:

S.B. 180
S.B. 1053 (Amended)
S.B. 578 (Amended)
S.B. 437
C.S.S.B. 404
C.S.S.B. 536
C.S.S.B. 624
H.B. 1026
H.B. 1207
C.S.S.B. 1276
C.S.S.B. 1296

Senator Caperton submitted the following report for the Committee on Criminal Justice:

S.B. 1085
S.B. 842 (Amended)
C.S.S.B. 542
C.S.S.B. 1167
C.S.S.B. 848

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the STATE BOARD OF EDUCATION: Volly C. Bastine, Harris County.

To be Members of the BOARD OF REGENTS, EAST TEXAS STATE UNIVERSITY: Raymond B. Cameron, Rockwall County; Ted H. Peters, Hunt County.

To be a Member of the LOWER COLORADO RIVER AUTHORITY: Jack Littlejohn, Fayette County.

To be a Member of the STATE BOARD OF MEDICAL EXAMINERS: Bob Crouch, Hunt County.

To be a Member of the ANTIQUITIES COMMITTEE: Anne A. Fox, Bexar County.

To be Members of the STATE COMMISSION FOR THE BLIND: Walter Musler, Bexar County; Lewis Timberlake, Travis County.

To be Members of the BOARD OF DIRECTORS, GUADALUPE-BLANCO RIVER AUTHORITY: Joseph Pat Kelly, Victoria County; Warren Patton "Pat" Kirksey, Caldwell County; John C. Taylor, Guadalupe County.

To be a Member of the GOVERNOR'S COMMISSION ON PHYSICAL FITNESS: Cissy Woomer, Travis County.

To be JUDGE, 43rd JUDICIAL DISTRICT, PARKER COUNTY: James O. Mullin, Parker County.

MESSAGE FROM THE HOUSE

House Chamber
April 10, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 152, Honoring State Auditor George McNiel on occasion of his retirement.

H.C.R. 111, Recognizing Holocaust and Commemoration Week, April 15 through 21, 1985.

H.C.R. 154, Honoring W. C. and Geraldine Stevens on their 50th wedding anniversary.

S.B. 549, Relating to the purchase of equipment, materials, and supplies for the county road department in certain counties; amending Section 3.211, County Road and Bridge Act (Article 6702-1, VTCS). (With amendments)

S.B. 501, Relating to outdoor advertising for alcoholic beverages.

S.B. 185, Relating to creating the offense of carrying a deadly weapon while an inmate in a penal institution.

S.B. 120, Relating to an extension of the jurisdiction of the Texas Youth Commission to a person under the age of 21.

S.B. 273, Relating to the regulation of architects; providing for fees and penalties.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 248

S.B. 114

S.B. 92

S.B. 35

SENATE BILLS ON FIRST READING

On motion of Senator Jones and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1342 by Jones Education
Relating to the Texas College Student Loan Bonds Interest and Sinking Fund.

S.B. 1343 by Brown Jurisprudence
Relating to the collection of certain judgments through court proceedings.

S.B. 1344 by Caperton Education
Relating to medical malpractice coverage for certain institutions.

S.B. 1345 by Caperton Economic Development
Relating to key rate credits for rural fire prevention districts and metropolitan county-supported fire protection systems; adding Article 5.33C to Chapter 5, Insurance Code.

S.B. 1346 by Brooks Health and Human Resources
Relating to the licensing of hospitals and to transfer of patients, injunctive relief, and assessment of administrative penalties in and against hospitals; amending the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), by amending Sections 5, 7, and 9; amending Section 4, Chapter 387, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 4437h, Vernon's Texas Civil Statutes).

S.B. 1347 by Henderson Natural Resources
Relating to the creation, administration, powers, duties, operation, expansion, and financing of the Harris County Municipal Utility District No. 311.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.B. 36, To Committee on Jurisprudence.
- H.B. 44, To Committee on Criminal Justice.
- H.B. 167, To Committee on State Affairs.
- H.B. 192, To Committee on Intergovernmental Relations.
- H.B. 267, To Committee on Education.
- H.B. 276, To Committee on State Affairs.
- H.B. 289, To Committee on Intergovernmental Relations.
- H.B. 341, To Committee on Health and Human Resources.
- H.B. 475, To Committee on Jurisprudence.
- H.B. 482, To Committee on Jurisprudence.
- H.B. 508, To Committee on Education.
- H.B. 557, To Committee on Intergovernmental Relations.
- H.B. 667, To Committee on Criminal Justice.
- H.B. 695, To Committee on Economic Development.
- H.B. 744, To Committee on Intergovernmental Relations.
- H.B. 745, To Committee on Jurisprudence.
- H.B. 746, To Committee on Jurisprudence.
- H.B. 747, To Committee on Jurisprudence.
- H.B. 749, To Committee on Jurisprudence.
- H.B. 759, To Committee on Jurisprudence.
- H.B. 853, To Committee on Economic Development.
- H.B. 892, To Committee on Intergovernmental Relations.
- H.B. 899, To Committee on Economic Development.
- H.B. 973, To Committee on Education.
- H.B. 1046, To Committee on Intergovernmental Relations.
- H.B. 1132, To Committee on State Affairs.
- H.B. 1148, To Committee on Natural Resources.
- H.B. 1204, To Committee on Intergovernmental Relations.
- H.B. 1229, To Committee on Health and Human Resources.
- H.B. 1376, To Committee on Natural Resources.
- H.B. 1523, To Committee on Education.
- H.B. 1572, To Committee on Natural Resources.
- H.B. 1577, To Committee on Natural Resources.
- H.B. 1678, To Committee on Criminal Justice.
- H.B. 1865, To Committee on State Affairs.
- H.C.R. 42, To Committee on State Affairs.
- H.C.R. 53, To Committee on Jurisprudence.
- H.C.R. 72, To Committee on Jurisprudence.
- H.C.R. 86, To Committee on Jurisprudence.
- H.C.R. 90, To Committee on Jurisprudence.
- H.C.R. 91, To Committee on Jurisprudence.
- H.C.R. 101, To Committee on Jurisprudence.
- H.C.R. 122, To Committee on Jurisprudence.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 371.

CO-AUTHOR OF SENATE BILL 633

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 633.

CO-SPONSOR OF HOUSE BILL 955

On motion of Senator Brown and by unanimous consent, Senator Harris will be shown as Co-sponsor of H.B. 955.

SENATE RESOLUTION 287

Senator Glasgow offered the following resolution:

WHEREAS, The State of Texas and Members of the Texas Senate wish to honor Representative Joe C. Hanna on his retirement from the Texas Legislature as Representative of the 64th District; and

WHEREAS, This outstanding statesman was born May 19, 1920, and attended Tarleton State University and The University of Texas at Austin before becoming a foremost member of the House of Representatives; and

WHEREAS, Joe Hanna and his charming wife, Betty, have been blessed with three children, Judith, Steve, and Mark; his unparalleled record of public service would have been impossible without the love and support of the Hanna family; and

WHEREAS, This eminent public official is recognized among his colleagues for his voice of reason which guided the many committees on which he served during his seven terms in the Legislature; known for his zeal and hard work, he was Chairman of the Energy Resources Committee in the 66th Legislature and served on a total of 14 committees during his career; and

WHEREAS, Representative Hanna was recently named Outstanding Citizen of the Year by the Breckenridge Chamber of Commerce; this well-loved citizen of Breckenridge has truly been a valuable spokesman for his community and state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, commend Representative Hanna for distinguished service and extend best wishes to him and his family as he retires after 13 years of unstinting dedication to the people of his state as a member of the Texas Legislature; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Representative Joe C. Hanna as a token of recognition from the members of the Texas Senate.

The resolution was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUEST PRESENTED

Senator Glasgow presented Representative Hanna to the Senate.

The Senate expressed their admiration to Representative Hanna.

SENATE CONCURRENT RESOLUTION 113

Senator Farabee offered the following resolution:

S.C.R. 113, Declaring April 10, 1985, "American Association of Retired Persons Day."

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 288

Senator Jones offered the following resolution:

S.R. 288, Recognizing the superlative accomplishments of Mr. Yong-Gon Lee, a distinguished humanitarian, outstanding leader and prominent citizen of the Republic of Korea.

The resolution was read and was adopted.

GUEST PRESENTED

Senator Jones was recognized and introduced Mr. Lee to the Senate.

The Senate welcomed him as their honored guest for today.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 5, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE PUBLIC SAFETY COMMISSION:

For a term to expire December 31, 1987:

JOHN W. FAINTER, JR.
2604 Escondido Cove
Austin, Texas 78703

(Mr. Fainter is replacing Mr. Shannon Ratliff of Austin, Travis County, Texas, who resigned.)

April 10, 1985

TO BE MEMBERS OF THE NUECES RIVER AUTHORITY:

For a term to expire February 1, 1991:

BOB MULLEN
1320 Arcadia
Alice, Texas 78332

(Mr. Mullen is replacing Mr. Gene Garrison of Alice, Jim Wells County, Texas, whose term expired.)

For a term to expire February 1, 1989:

GEORGE MORRILL, JR.
Box 610
Beeville, Texas 78102

(Mr. Morrill is replacing Mr. George P. Morrill, Sr. of Beeville, Bee County, Texas, who is deceased.)

For a term to expire February 1, 1991:

SANTIAGO N. (JIMMY) FLORES
810 North B Street
Mathis, Texas 78368

(Mr. Flores is being reappointed.)

TO BE A MEMBER OF THE TEXAS BOARD OF HUMAN RESOURCES:

For a term to expire January 20, 1991:

J. LIVINGSTON KOSBERG

121 N. Post Oak Lane #206

Houston, Texas 77024

(Mr. Kosberg is being reappointed.)

Respectfully submitted,

/s/Mark White

Governor of Texas

SENATE BILL 797 ORDERED NOT PRINTED

On motion of Senator McFarland and by unanimous consent, S.B. 797 was ordered not printed.

GUEST PRESENTED

Senator Sharp was recognized and presented the Capitol Physician for the Day, Dr. Nancy Dickey of Richmond.

The Senate expressed their appreciation to Dr. Dickey for her service.

**SENATE CONCURRENT RESOLUTION 24
WITH HOUSE AMENDMENT**

Senator Parker called S.C.R. 24 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment - Collazo

Substitute the following for S.C.R. 24:

WHEREAS, Rodney Landry and Gloria Landry allege that:

- (1) they own Rodney's Food Center in Port Neches, Texas, located at the intersection of Farm-to-Market Road No. 366 and Nederland Avenue;
- (2) the State Department of Highways and Public Transportation performed construction on the roadways adjacent to their business; and
- (3) as a result of that road construction, they have sustained losses to their business; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Rodney Landry and Gloria Landry are granted permission to sue the State of Texas and the State Department of Highways and Public Transportation for any relief to which they may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the state engineer-director of the State Department of Highways and Public Transportation and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees,

agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1335 REREFERRED

On motion of Senator Parker and by unanimous consent, S.B. 1335 was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Health and Human Resources.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Resources might consider S.B. 1335 tomorrow.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

COMMITTEE SUBSTITUTE SENATE BILL 371 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 371, Relating to funding for child abuse and neglect prevention programs and to the establishment of the Council on Child Abuse and Neglect.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 371 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 371 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

SENATE BILL 854 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 854, Relating to adoption of a nonsubstantive revision of miscellaneous statutes relating to criminal procedure.

The bill was read second time and was passed to engrossment.

SENATE BILL 854 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 854 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
April 10, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 104, The Texas Chapter of the American Association of Retired Persons, known as AARP, is among the largest in the nation, boasting a membership of 900,000 retired Texans; and
WHEREAS, the American Association of Retired Persons is a dedicated and powerful voice for the goals and interests of retired Americans.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 354 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 354, Relating to repeal of Articles of the Code of Criminal Procedure and authorizing the Court of Criminal Appeals to promulgate rules of procedure after conviction in criminal cases.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 354 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 354 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 750 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 750, Relating to the creation, administration, expansion, funding, and dissolution of emergency communication districts in certain counties in which a 9-1-1 telephone number is used as the primary emergency telephone number and to the powers and duties of the districts, participating jurisdictions, and service suppliers; providing for the imposition and collection of fees; authorizing issuance of tax-free revenue bonds, including refunding bonds, and for further security for payment; providing permissible terms and provisions of bonds and their characteristics and for their eligibility for investments and security for deposit of public funds; requiring approval of the attorney general and registration by the comptroller.

The bill was read second time and was passed to engrossment.

SENATE BILL 750 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 750** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

HOUSE BILL 536 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 536, Relating to the creation, administration, powers, duties, and operations of the Multi-State Water Resources Planning Commission.

The bill was read second time and was passed to third reading.

HOUSE BILL 536 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE HOUSE BILL 724 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 724, Relating to certain taxes collected under the workers' compensation laws and to the authority of the Industrial Accident Board to accept grants, payments, and gifts.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 724 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 724** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 639 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 639, Relating to the Texas Controlled Substances Act and to the addition to and reclassification of certain substances in schedules and penalty groups; proceedings related to the denial, revocation, or suspension of registrations required under the Act; offenses related to the possession of controlled substances; the penalty for the investment of funds obtained in violation of the Act if the person has previously been convicted under the Act; requirements for transcribing certain prescriptions for controlled substances under the Act; definitions under the Act; records and reports required to be maintained under the Act; the cost of production of certain forms; certain commercial and fraud offenses under the Act and the imposition of civil penalties for certain activities; forfeiture proceedings under the Act and the disposition of proceeds from forfeiture; and to the continued effect of certain provisions of the Act.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 639 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 639** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

SENATE BILL 1156 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1156, Relating to the location and maintenance of the books, records, accounts, and principal offices outside the state by certain domestic insurance companies.

The bill was read second time and was passed to engrossment.

SENATE BILL 1156 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1156** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1273 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1273, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in this Act before payment is made; providing for severability; repealing laws in conflict; and declaring an emergency.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1273** by amending Section 5. to read:

SECTION 5. Subject to the conditions and restrictions in this Act and provisions stated in the judgments, the comptroller is hereby authorized and directed to issue a warrant or warrants on the state treasury, as soon as possible following the effective date of this Act, in the favor of each of the said persons, firms or corporations named herein, with the exceptions listed in Section 6, in the amount set opposite their respective names and shall mail or deliver to each of the said persons, firms or corporations at their respective addresses warrant or warrants in payment of the said claim or claims.

Amend **C.S.S.B. 1273** by adding a new Section 6. and renumbering succeeding sections accordingly:

SECTION 6. Payments other than those authorized by this Act for Platoro Limited, Inc. and Asa Fuller, III shall be made no sooner than September 1, 1985.

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:
Floor Amendment No. 2

Amend C.S.S.B. 1273 by adding the following language at the end of the last sentence of Section 4:

“and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1273 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1273 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 32 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to consider at this time on its second reading:

C.S.S.C.R. 32, Requesting the U.S. Department of Energy (DOE) to forego further consideration of the Deaf Smith County and Swisher County sites as potential nominees or candidates for a high-level nuclear waste repository.

The resolution was read second time and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 104 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 104, Relating to the receipt of conditional gifts from foreign persons by an institution of higher education.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend C.S.S.B. 104 by striking the words “, nonprofit college,” and adding the word “public” between the words “other” and “institution” in Sec. 51.571 (4).

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 104 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 346 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 346, Relating to the definition of abusable glue or aerosol paint under the Texas Controlled Substances Act.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 346 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 346 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 738 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 738, Relating to students at public and private institutions of higher education who are absent from classes on a religious holy day.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 738 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 738 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 681 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 681, Relating to powers, duties, and qualifications of notaries public and to regulation and commissioning of notaries public by the secretary of state.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 681 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

SENATE BILL 359 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 359, Relating to the availability of the defense of family relationship in a prosecution of the offense of harboring a runaway child.

The bill was read second time and was passed to engrossment.

SENATE BILL 359 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 359** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed.

SENATE BILL 970 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 970, Relating to venue in suits brought by the State involving overweight vehicles.

The bill was read second time and was passed to engrossment.

SENATE BILL 970 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

SENATE BILL 923 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 923, Relating to partnerships between community/junior colleges and upper level university centers.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 923** as follows:

(1) Insert the word "or" between the words "university" and "center" where they appear in the caption and in Sections 51.661 and 51.662.

(2) Amend Section 51.667 by inserting the words "upper-level" between the words "as other" and "senior colleges"

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 923 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 923** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 633 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 633, Relating to community centers for mental health and mental retardation services, their administration, planning, and fees, and to contracts for community-based services; amending the Texas Mental Health and Mental Retardation Act, as amended (Article 5547-201 et seq., Vernon's Texas Civil Statutes), by amending Sections 2.10, 2.12, 3.05, 3.07, and 3.14; Subsection (a) of

Section 2.27; the title to Article 4, and Sections 4.01 through 4.04; and by adding Sections 2.09 and 2.12B.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend C.S.S.B. 633 as follows:

(1) Amend Subdivision (5), Section 2.12B(b), to read as follows:

“(5) description of the appropriate use of facilities, including a plan for the future role of state hospitals and state schools with consideration to size, function, and specialization, and criteria for adding needed beds and phasing out uneconomical and unneeded beds;

(2) Amend Subsection (a), Section 4.03, by adding “or continuum of care” to the last sentence of said subsection.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 633 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 633 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 162 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 162, Relating to bank drive-in/walk-up facilities.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend Section 1 of **C.S.S.B. 162** by changing the number 25,000 feet to 20,000 feet in subsection (d) of Article 3, Article 342-903, V.A.T.C.S.

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 162 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 79 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 79, Relating to the terms of the board of directors of an appraisal district.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 79 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban, Whitmire, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Santiesteban, Whitmire, Williams.

SENATE CONCURRENT RESOLUTION 47 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its second reading:

S.C.R. 47, Memorializing the United States Congress to take prompt action to enact Interstate Cost Estimate legislation.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up S.C.R. 47 for consideration at this time on its second reading.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe.

Nays: Mauzy, Washington.

Absent: Harris.

Absent-excused: Santiesteban, Whitmire, Williams.

The resolution was read second time and was adopted.

RECORD OF VOTES

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the adoption of the resolution.

CONGRATULATORY RESOLUTION

H.C.R. 104 - (Farabee): Declaring April 10, 1985, "American Association of Retired Persons Day."

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:21 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(April 10, 1985)

S.C.R. 37

S.B. 33

S.B. 444

S.B. 35

S.B. 92

S.B. 114

S.B. 248

FIFTY-FIRST DAY

(Thursday, April 11, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire.

Absent-excused: Sims, Williams.

A quorum was announced present.

Senator Ted Lyon offered the invocation as follows:

Our Heavenly Father, help us to do better today than we did yesterday, and help us to be better tomorrow than we were today. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.